

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Implementing a Nationwide, Broadband,)	PS Docket No. 06-229
Interoperable Public Safety Network in)	
The 700 MHz Band)	
)	
Development of Operational, Technical and)	WT Docket No. 96-86
Spectrum Requirements for Meeting Federal, State)	
And Local Public Safety Communications)	
Requirements Through the Year 2010)	

To: The Commission

**EX PARTE COMMENTS OF THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA**

The Metropolitan Water District of Southern California (“MWD”), by its attorneys and pursuant to Section 1.415 of the Commission’s Rules, hereby files these *ex parte* comments in the *Ninth Notice of Proposed Rulemaking* (“NPRM”) in the above referenced proceeding. The NPRM seeks comments on the Commission’s proposal to regulate public safety operations in the 700 MHz spectrum allocated by Congress for interoperability purposes.

Statement of Interest

MWD is a consortium of 26 cities and water districts that provides drinking water to nearly 18 million people in parts of Los Angeles, Orange, San Diego, Riverside, San Bernardino and Ventura Counties in California. MWD currently delivers an average of 1.7 billion gallons of

water per day to a 5,200 square mile service area, and operates hydroelectric generation facilities in excess of 100 megawatts capacity along its water distribution system. It is vital that MWD be able to conduct its vast and critical water and power supply operations in a safe manner. It is also vital that MWD be able to communicate with law enforcement, homeland security, and fire/rescue authorities, in the event of a natural or man-made disaster, or a terrorist threat.

The Commission Should Clarify Proposed Rule Section 90.253

Because of the catastrophic consequences that would occur if the water supply for millions of American citizens were to be threatened, it is important to clarify that special government-created districts and authorities will be able to obtain licenses for the 700 MHz interoperability bands, so that these governmental entities can maintain communications with public safety and homeland security officials in the event of an emergency. Eligibility for the 700 MHz interoperability spectrum should include districts such as MWD, that have an identified role in public welfare and safety activities, such as water treatment, delivery of water, power generation, and other functions that may be identified by the Department of Homeland Security or other government authorities as requiring communication with emergency services in an area-wide incident response. Proposed Rule Section 90.253 defines eligibility for the 700 MHz public safety spectrum, and appears to be broad enough to include such districts and authorities. In particular, Section 90.253(a) provides that “[a]ny territory, possession, state, city, county, town or similar State or local governmental entity is eligible to hold authorizations in the 764-776 MHz and 794-806 MHz frequency bands.” While MWD believes that a multi-jurisdictional water district such as itself would qualify as a “similar State or local governmental entity” under the above-quoted rule language, MWD notes that the Commission has been able to eliminate any doubt on this point elsewhere in the public safety spectrum rules. In particular,

Rule Section 90.20, governing eligibility for the Public Safety Pool, contains wording very similar to proposed Section 90.253(a), but goes on to explicitly state in Section 90.20(a)(1)(i) that “a district and an authority” are included in the definition of a “similar governmental entity” eligible to hold authorizations in the Public Safety Pool. It is respectfully submitted that adding similar wording to proposed Section 90.253(a) would help to eliminate any room for confusion about eligibility for the 700 MHz interoperability channels.


Conclusion

In light of the foregoing, MWD requests that the Commission clarify proposed Rule Section 90.253 to confirm that governmental districts and authorities are eligible for licensing in the 164-776MHz bands.

Respectfully Submitted,

**METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA**

By


John A. Prendergast
Its Attorney

Blooston, Mordkofsky, Dickens,
Duffy & Prendergast, LLP
2120 L Street, NW, Suite 300
Washington, DC 20037
(202) 659-0830

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